

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Civ. No. 11-137

7509 JACKRABBIT STREET NE,
ALBUQUERQUE, NEW MEXICO 87113

MORE PARTICULARLY DESCRIBED AS: LOT NUMBER TEN-P-ONE (10P1),
IN BLOCK LETTERED "K", OF BERNARDO POINTE, WITHIN THE ELENA
GALLEGOS GRANT, CITY OF ALBUQUERQUE, BERNALILLO COUNTY,
NEW MEXICO, AS THE SAME IS SHOWN AND DESIGNATED ON THE PLAT
THEREOF, FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO
COUNTY, NEW MEXICO, ON JUNE 21, 2005 IN PLAT BOOK 2005C, PAGE 209,

FUNDS IN THE AMOUNT OF \$29,748.29
FROM CHECKING ACCOUNT NO. **9456 AND
SAFE DEPOSIT BOX NO. **0374
WELLS FARGO BANK,

HECKLER & KOCH, MODEL USP COMPACT
.40 CALIBER, SN:28-133191DE,

COLT GOVERNMENT CARBINE, MODEL AR15 A2
.223 CALIBER, SN:GC016739,

Defendants,

and

SHEROLYN DESANTIS,
PAUL N. DESANTIS, AND
NUNZIO DESANTIS,

Claimants.

Verified Complaint for Forfeiture *In Rem*

Plaintiff states:

Jurisdiction and Venue

1. This is a civil action *in rem* for forfeiture of defendants which are located in the District of New Mexico; and during the pendency of this action defendant, or their equivalent or proceeds thereof, will be subject to the jurisdiction of this Court.

2. The United States District Court for the District of New Mexico has exclusive, original jurisdiction under 28 U.S.C. §§ 1345, 1355 and 1356.

3. Venue is proper under 28 U.S.C. §§ 1335 and 1339.

4. The "res" or property which is the subject of this action consists of:

(a). A parcel of real estate, including the residence, garage, outbuildings, and all other appurtenances thereto and fixtures and improvements thereon, located at 7509 Jackrabbit Street NE, Albuquerque, New Mexico, 87113 and more particularly described as:

7509 JACKRABBIT STREET NE,
ALBUQUERQUE, NEW MEXICO 87113,

MORE PARTICULARLY DESCRIBED AS: LOT NUMBER TEN-P-ONE (10P1), IN BLOCK LETTERED "K", OF BERNARDO POINTE, WITHIN THE ELENA GALLEGOS GRANT, CITY OF ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, AS THE SAME IS SHOWN AND DESIGNATED ON THE PLAT THEREOF, FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO, ON JUNE 21, 2005 IN PLAT BOOK 2005C, PAGE 209;

("Defendant Real Property");

(b). funds in the amount of \$29,748.29 from Wells Fargo Bank Checking Account number ending **9456 and safe deposit box number ending **0374 ("Defendant Funds");

(c). a Heckler & Koch, model USP compact, .40 caliber, Serial Number 28-133191DE ("Defendant Firearm"); and

(d). a Colt Government Carbine, Model AR15 A2 .223 Caliber, SN:GC016739

(“Defendant Firearm”);

(hereafter collectively referred to as “Defendant Property.”)

Parties and Claimants

5. The following persons may claim an interest in Defendant Property:

- (a). Sherolyn DeSantis at 1950 Denver West Dr. Apt 411, Golden CO 80401, whose attorney is Jason Bowles, Esq., 201 Third Street NW, Suite 1370, Albuquerque, NM 87125;
- (b). Paul N. DeSantis at 7509 Jackrabbit Street NE, Albuquerque, NM 87113 and/or Regional Correctional Center ID:57272051, 415 Roma NW, Albuquerque, NM 87102, whose attorney is Robert Jason Bowles, Esq., P.O. Box 25186, Albuquerque, NM 87102;
- (c). Nunzio DeSantis at Albuquerque, New Mexico.

6. Defendant Real Property is located on land in Bernalillo County, New Mexico, and is subject to forfeiture in the District of New Mexico.

7. The United States does not request authority from the Court to seize the Defendant Real Property at this time.

Statement of Facts

8. On May 27, 2010, the Drug Enforcement Administration (DEA) began an investigation regarding forged prescriptions that were written on authentic secure prescription paper that had been stolen from the University of New Mexico Hospital (UNMH) clinic. The prescriptions had been filled.

9. One May 28, 2010, DEA retrieved one forged UNMH prescription written for

Dometrique Dante Shepard filled on May 19, 2010, for a fraudulent prescription of oxycontin tablets. Shepard was not a patient at UNMH. Shepard had never been prescribed any controlled substances by any doctor at UNMH.

10. On June 2, 2010, DEA was informed that during a break-in at the UNMH clinic, 250 sheets of secure prescription paper had been stolen from a room.

11. On June 23, 2010, Paul N. DeSantis drove to his residence at 7509 Jackrabbit Street NE, Albuquerque, NM 87113. DEA Agents and officers' vehicles with police lights activated moved to block DeSantis' vehicle. DeSantis backed up and attempted to flee the agents. DeSantis was stopped and arrested.

12. A search of the vehicle compartment revealed bottles of prescription controlled substances on the passenger side floorboard of the vehicle. A knife with an 8 inch blade was located under the driver's seat of the vehicle. In a brown purse was the loaded Defendant Firearm a Heckler & Koch .40 caliber semi-automatic pistol.

13. DeSantis had an Apple iPhone on his person. On June 25, 2010, a federal search warrant was executed on DeSantis' iPhone. The iPhone contained photographs of legitimate prescriptions from UNMH which DeSantis used as templates to obtain the DEA number and a signature exemplar. DeSantis used the templates to forge fraudulent prescriptions.

14. On June 23, 2010, DEA agents executed a federal search warrant on DeSantis' residence at 7509 Jackrabbit Street, NE, Albuquerque, New Mexico 87113. During the search of 7509 Jackrabbit Street DEA agents seized the following:

- a. multiple prescription bottles (with names and with the labels torn off) containing oxycontin and other prescription medication;

- b. multiple sheets of prescription paper from UNMH in various names;
- c. a stack of blank UNMH prescription paper;
- d. sheets of paper with practiced doctors' signatures on them; and
- e. drug ledgers;
- f. Defendant Firearm Colt Government Carbine, Model AR15 A2 .223 Caliber leaning against the bedpost in the master bedroom.

15. On June 30, 2010, DEA executed a seizure warrant for Paul N. DeSantis' Wells Fargo Bank checking account No.**9456 and safe deposit box No.**0374 in Albuquerque, NM. Funds in the amount of \$29,748.29 were seized. The funds were generated from the theft of secure prescription paper, fraudulent manufacture of medical prescriptions, and the sale and distribution of oxycodone. Defendant Funds were proceeds of DeSantis' fraudulent scheme. Paul N. DeSantis concealed the source of the funds by depositing and withdrawing the money obtained from illegal drug sales in bank accounts held in the names of third parties.

16. Paul N. DeSantis has no employment history.

Claim for Relief

17. Defendant Property is subject to arrest and forfeiture to plaintiff under 21 U.S.C. § 881(a)(6) because it constitutes the proceeds of illegal drug trafficking, or is traceable thereto, or was used or intended to be used to facilitate a violation of the Controlled Substances Act.

18. Defendant Real Property is subject to arrest and forfeiture under 21 U.S.C. § 881(a)(7) because it was used or intended to be used, in any manner or part, to commit or to facilitate the commission of a violation of the Controlled Substances Act punishable by more

than one year's imprisonment.

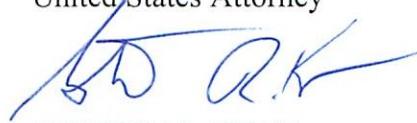
19. Defendant Funds are subject to arrest and forfeiture to Plaintiff under 21 U.S.C. § 881(a)(6) because they were furnished, or intended to be furnished, in exchange for a controlled substance, or constitutes proceeds traceable to such an exchange, or were used or intended to be used to facilitate a violation of the Controlled Substances Act.

20. Defendant Firearms are subject to arrest and forfeiture to plaintiff under 21 U.S.C. § 881(a)(11) because firearms were used or intended to be used to facilitate the transportation, sale, receipt, possession, or concealment of property described in § 881(a)(1) or proceeds traceable to such property.

WHEREFORE: Plaintiff seeks arrest of Defendant Property and forfeiture of same to Plaintiff, determination of the validity and priority of claims of the Claimant and any Unknown Claimants to the Defendant Property, costs and expenses of seizure and of this proceeding, and other proper relief.

Respectfully submitted,

KENNETH J. GONZALES
United States Attorney



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28 U.S.C. § 1746 Declaration

I am a Special Agent with the Drug Enforcement Administration who has read the contents of the Complaint for Forfeiture *In Rem* to which this Declaration is attached; and the statements contained in the complaint are true to the best of my knowledge and belief.

I declare under penalty of perjury and the laws of the United States of America that this Declaration is true and correct, except as to matters stated on information and belief, and as to those matters I believe them to be true.

Dated: 2-9-11



William Baker, Special Agent
Drug Enforcement Administration